

AMENDED IN ASSEMBLY MARCH 19, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 910**

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**Introduced by Assembly Member Harper**  
**(Coauthor: Assembly Member Travis Allen)**  
(Coauthor: Senator Bates)

February 26, 2015

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An act to add and repeal Section 83123.7 of the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

AB 910, as amended, Harper. Political Reform Act of 1974: local enforcement.

Existing law authorizes the Fair Political Practices Commission, upon mutual agreement between the Commission and the Board of Supervisors of the County of San Bernardino, to have primary responsibility for the impartial, effective administration, implementation, and enforcement of a local campaign finance reform ordinance of the County of San Bernardino, as specified.

This bill would authorize the Commission and the ~~Board of Supervisors of the County of Orange~~ *governing body of any city, county, or city and county*, to also enter into such an agreement, ~~as specified. specified, if the governing body of the city, county, or city and county, or a majority of voters, approves the agreement.~~ The bill would require, if an agreement is entered into, that the Commission report specified information to the Legislature regarding the performance of that agreement on or before January 1, 2019. The bill would repeal its provisions on January 1, 2020.

~~This bill would make legislative findings and declarations as to the necessity of a special statute for the County of Orange.~~

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes upon a  $\frac{2}{3}$  vote of each house and compliance with specified procedural requirements.

This bill would declare that it furthers the purposes of the act.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 83123.7 is added to the Government  
2 Code, to read:

3 83123.7. (a) ~~(1)~~ *For purposes of this section, "local agency"*  
4 *means a city, county, or city and county.*

5 (b) (1) Upon mutual agreement between the Commission and  
6 ~~the Board of Supervisors of the County of Orange, governing body~~  
7 *of a local agency*, the Commission is authorized to assume primary  
8 responsibility for the impartial, effective administration,  
9 implementation, and enforcement of a local campaign finance  
10 ordinance ~~passed by the Board of Supervisors of the County of~~  
11 ~~Orange. Upon agreement, of the local agency if the agreement has~~  
12 *been approved by either of the following:*

13 (A) *The governing body of the local agency.*

14 (B) *A majority of the voters in the local agency who voted on*  
15 *the agreement.*

16 (2) (A) *Upon approval of an agreement pursuant to paragraph*  
17 *(1), the Commission shall be the civil prosecutor responsible for*  
18 *the civil enforcement of that the local campaign finance ordinance*  
19 *of the local agency in accordance with this title.*

20 ~~(2) (A)~~

21 (B) *As the civil prosecutor of the County of Orange's local*  
22 *agency's campaign finance ordinance, the Commission may do*  
23 *all of the following with respect to the local campaign finance*  
24 *ordinance:*

25 (i) *Provide advice.*

26 (ii) *Investigate possible violations.*

1 (iii) Bring administrative actions in accordance with this title  
2 and Chapter 5 (commencing with Section 11500) of Part 1 of  
3 Division 3 of Title 2.

4 (iv) Bring civil actions.

5 ~~(B)~~

6 (C) The Commission shall not be required to obtain  
7 authorization from the *city or* district attorney of the ~~County of~~  
8 ~~Orange~~ *local agency* to bring an administrative or civil action  
9 pursuant to subparagraph ~~(A)~~: (B).

10 ~~(b)~~

11 (c) A local campaign finance ordinance of the ~~County of Orange~~  
12 *local agency* enforced by the Commission pursuant to this section  
13 shall comply with this title.

14 ~~(e) The Board of Supervisors of the County of Orange~~

15 (d) *The governing body of the local agency* shall consult with  
16 the Commission prior to adopting and amending any local  
17 campaign finance ordinance that is subsequently enforced by the  
18 Commission pursuant to this section.

19 ~~(d)~~

20 (e) (1) ~~The Board of Supervisors of the County of Orange~~ *The*  
21 *governing body of the local agency* and the Commission may enter  
22 into any agreements necessary and appropriate to carry out the  
23 provisions of this section, including agreements pertaining to any  
24 necessary reimbursement of state costs with county funds for costs  
25 incurred by the Commission in administering, implementing, or  
26 enforcing a local campaign finance ordinance pursuant to this  
27 section.

28 (2) An agreement entered into pursuant to this subdivision shall  
29 not contain any form of a cancellation fee, a liquidated damages  
30 provision, or other financial disincentive to the exercise of the  
31 right to terminate the agreement pursuant to subdivision ~~(e)~~: (f),  
32 except that the Commission may require the ~~Board of Supervisors~~  
33 ~~of the County of Orange~~ *governing body of the local agency* to  
34 pay the Commission for services rendered and any other  
35 expenditures reasonably made by the Commission in anticipation  
36 of services to be rendered pursuant to the agreement in the event  
37 that the ~~Board of Supervisors of the County of Orange~~ *governing*  
38 *body of the local agency* terminates the agreement.

39 ~~(e) The Board of Supervisors of the County of Orange or the~~  
40 ~~Commission~~

(f) *The governing body of the local agency* may, at any time, by ordinance or resolution, terminate ~~any~~ *an* agreement made pursuant to this section for the Commission to administer, implement, or enforce a local campaign finance ordinance or any provision thereof.

~~(f)~~

(g) If an agreement is entered into pursuant to this section, the Commission shall report to the Legislature regarding the performance of that agreement on or before January 1, 2019, and shall submit that report in compliance with Section 9795. The Commission shall develop the report in consultation with the ~~County of Orange~~ *local agency*. The report shall include, but not be limited to, all of the following:

(1) The status of the agreement.

(2) The estimated annual cost savings, if any, for the ~~County of Orange~~ *local agency*.

(3) A summary of relevant annual performance metrics, including measures of utilization, enforcement, and customer satisfaction.

(4) Any public comments submitted to the Commission or the ~~County of Orange~~ *local agency* relative to the operation of the agreement.

(5) Any legislative recommendations.

~~(g)~~

(h) This section shall remain in effect only until January 1, 2020, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2020, deletes or extends that date.

~~SEC. 2. The Legislature finds and declares that a special law is necessary and that a general law cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the necessity to ensure the integrity of the electoral process while reducing corruption, and the appearance of corruption, in the County of Orange.~~

~~SEC. 3.~~

~~SEC. 2.~~ The Legislature finds and declares that this bill furthers the purposes of the Political Reform Act of 1974 within the meaning of subdivision (a) of Section 81012 of the Government Code.

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